

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Tony M. DiTullio
Debtor(s)

Bankruptcy Case No.: 17-21819-CMB
Per April 29, 2021 Proceeding
Chapter: 13
Docket No.: 91 – 82, 83
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 5, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Butler Cnty TCB (Cl #2); Butler Cnty TCB (Cl #19) w/int beginning 2/2018 .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

Atty Fees based on retainer of \$0 w/remaining fees of \$4,000.

No further escrow payments as SPS (Cl #16) pif; Debtor is now responsible for ongoing escrow.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: April 30, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Tony M. DiTullio
Debtor

Case No. 17-21819-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Apr 30, 2021

User: gamr
Form ID: 149

Page 1 of 3
Total Noticed: 33

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 02, 2021:

Recip ID	Recipient Name and Address
db	+ Tony M. DiTullio, 490 McKinley Road, Darlington, PA 16115-3108
cr	+ PHH MORTGAGE CORPORATION, 14841 Dallas Pkwy Suite 425, Dallas, TX 75254-8067
cr	+ Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, CO 80129-2386
14413334	+ Butler Armco CU, 101 Hollywood Drive, Butler, PA 16001-7607
14413335	+ Butler County Tax Bureau, ATTN: Janet L. Mentel, PO Box 1208, Butler, PA 16003-1208
14413339	++ CLARION COUNTY TAX CLAIM BUREAU, 421 MAIN STREET SUITE 22, CLARION PA 16214-1057 address filed with court:, Clarion County Tax Claim Bureau, 330 Main Street, Room 101, Clarion, PA 16214
14413343	+ Internal Revenue Service, Dept. of Treasury, PO Box 9052, Kansas City, MO 64168-9052
14675120	++ NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096 address filed with court:, Nationstar Mortgage LLC, ATTN: Bankruptcy Department, PO Box 619096, Dallas, TX 75261-9741
14658696	+ PHH MORTGAGE CORPORATION, 1 MORTGAGE WAY, MAILSTOP: SV01, MT. LAUREL NJ 08054-4624
14413344	+ PHH Mortgage, PO Box 5452, Mount Laurel, NJ 08054-5452
14660281	+ Peoples TWP LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
15295400	+ Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826
14756532	+ Specialized Loan Servicing LLC, 6200 S. Quebec Street, Greenwood Village, CO 80111-4720
14887408	+ Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
14791375	eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262

TOTAL: 15

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14640730	Email/Text: ally@ebn.phinsolutions.com	May 01 2021 03:42:00	Ally Bank, PO Box 130424, Roseville MN 55113-0004
14413333	+ Email/Text: ally@ebn.phinsolutions.com	May 01 2021 03:42:00	Ally Financial, PO Box 380901, Minneapolis, MN 55438-0901
14413336	Email/PDF: AIS.cocard.ebn@americaninfosource.com	May 01 2021 03:18:53	Capital One Bank, PO Box 71083, Charlotte, NC 28272-1083
14637233	Email/PDF: AIS.cocard.ebn@americaninfosource.com	May 01 2021 03:18:53	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14413337	+ Email/PDF: Citi.BNC.Correspondence@citi.com	May 01 2021 03:17:04	Citi, P.O. Box 6241, Sioux Falls, SD 57117-6241
14413340	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 01 2021 03:43:00	Comenity Bank, PO Box 182789, Columbus, OH 43218-2789
14413341	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 01 2021 03:43:00	Comenity Capital/Bosco, PO Box 659622, San Antonio, TX 78265-9622
14413342	Email/Text: mrdiscen@discover.com	May 01 2021 03:42:00	Discover, P.O. Box 15192, Wilmington, DE 19850-5192
14417013	Email/Text: mrdiscen@discover.com	May 01 2021 03:42:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
14664560	Email/PDF: resurgentbknofications@resurgent.com	May 01 2021 03:20:54	LVNV Funding, LLC its successors and assigns

District/off: 0315-2

User: gamr

Page 2 of 3

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Form ID: 149

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			as, assignee of Citibank, N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14678810	+ Email/Text: bankruptcydpt@mcmcg.com	May 01 2021 03:44:00	MIDLAND FUNDING LLC, PO BOX 2011, WARREN, MI 48090-2011
14413345	Email/Text: Bankruptcy.Notices@pnc.com	May 01 2021 03:42:00	PNC Mortgage, P.O. Box 1820, Dayton, OH 45401
14413572	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	May 01 2021 03:20:50	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14519888	Email/Text: RVSVCBICNOTICE1@state.pa.us	May 01 2021 03:43:00	Pennsylvania Department of Revenue, Bankruptcy division, P O Box 280946, Harrisburg P A 17128-0946
14672970	Email/Text: bnc-quantum@quantum3group.com	May 01 2021 03:43:00	Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14413346	+ Email/PDF: gecsedl@recoverycorp.com	May 01 2021 03:18:49	SYNCB/Sam's, PO Box 965005, Orlando, FL 32896-5005
14685399	+ Email/PDF: gecsedl@recoverycorp.com	May 01 2021 03:18:49	Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
14413347	+ Email/PDF: gecsedl@recoverycorp.com	May 01 2021 03:18:49	Synchrony bank, PO Box 965005, Orlando, FL 32896-5005

TOTAL: 18

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		NATIONSTAR MORTGAGE LLC
cr		Nationstar Mortgage LLC
cr		Newrez LLC D/B/A Shellpoint Mortgage Servicing
cr		PHH Mortgage Corporation
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr	*+	Peoples TWP LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
cr	*	eCAST Settlement Corporation, PO Box 29262, New York, NY 10087-9262
14413338	*+	Citi, P.O. Box 6241, Sioux Falls, SD 57117-6241
14519899	*	Pennsylvania Department of Revenue, Bankruptcy division, P O Box 280946, Harrisburg P A 17128-0946

TOTAL: 4 Undeliverable, 5 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 02, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0315-2

User: gamr

Page 3 of 3

Date Rcvd: Apr 30, 2021

Form ID: 149

Total Noticed: 33

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 30, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor NATIONSTAR MORTGAGE LLC bnicholas@kmlawgroup.com
Charles Griffin Wohlrab	on behalf of Creditor Newrez LLC D/B/A Shellpoint Mortgage Servicing cwohrlab@raslg.com
James A. Prostko	on behalf of Creditor PHH Mortgage Corporation pawb@fedphe.com
Jerome B. Blank	on behalf of Creditor PHH Mortgage Corporation pawb@fedphe.com
Lauren M. Lamb	on behalf of Debtor Tony M. DiTullio julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;acordell@steidl-steinberg.com;cgoga@steidl-steinberg.com;Lamb LR53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Lisa Cancanon	on behalf of Creditor Specialized Loan Servicing LLC lisac@w-legal.com Llombardi06@law.du.edu
Matthew Christian Waldt	on behalf of Creditor Nationstar Mortgage LLC mwaldt@milsteadlaw.com bkecf@milsteadlaw.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com
S. James Wallace	on behalf of Creditor Peoples TWP LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com
Thomas Song	on behalf of Creditor PHH Mortgage Corporation pawb@fedphe.com
Thomas Song	on behalf of Creditor Specialized Loan Servicing LLC pawb@fedphe.com
Thomas Song	on behalf of Creditor PHH MORTGAGE CORPORATION pawb@fedphe.com

TOTAL: 13